

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

ILLINOIS COMMERCE COMMISSION

On Its Own Motion

V

No. 02-0172

INTERSTATE POWER COMPANY

Reconciliation of revenues)
collected under Coal Tar riders))
with prudent costs associated)
with coal tar clean up)
expenditures.)

Chicago, Illinois

November 13, 2002

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MR. JOHN C. FEELEY,
160 North LaSalle Street,
Chicago, Illinois,
appeared for the Staff;

MR. KENT RAGSDALE,
200 First Street, SE,
Cedar Rapids, Iowa,
appeared for Interstate Power Company,
telephonically.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

1	<u>I N D E X</u>				
2				Re-	Re-
3	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>direct</u>	<u>cross</u>
4					By
5					<u>Examiner</u>
6	Martin Seitz	5			7
7					
8	Bruce Greer	16			
9					
10	Theresa Ebrey	21			25
11					
12	<u>E X H I B I T S</u>				
13	<u>COMPANY</u>	<u>For</u>	<u>Identification</u>	<u>In</u>	<u>Evidence</u>
14	1.6 thru 1.16	-----		9	
15	1.17 and 1.18	-----		15	
16	2.0 thru 2.4	-----		21	
17					
18	<u>STAFF</u>				
19	1.00 thru 1.05	-----		24	
20	2.00 thru 2.02	-----		24	
21					
22					

1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call
3 Docket 02-0172. This is the Illinois Commerce
4 Commission On Its Own motion versus Interstate Power
5 Company, reconciliation of revenues collected under
6 Coal Tar riders with prudent costs associated with
7 coal tar clean up expenditures.

8 And Mr. Feeley, will you enter an
9 appearance for the record, please.

10 MR. FEELEY: Sure. John Feeley, Office of
11 General Counsel, representing Staff of the Illinois
12 Commerce Commission, 160 North LaSalle Street,
13 Suite C-800, Chicago, Illinois 60601.

14 JUDGE RILEY: Thank you.

15 And Mr. Ragsdale, would you enter an
16 appearance for the company, please.

17 MR. RAGSDALE: Thank you. Appearing on behalf
18 of Interstate Power Light Company, my name is Kent
19 Ragsdale, R-a-g-s-d-a-l-e, my address is 200 First
20 Street, South East, Cedar Rapids, Iowa.

21 JUDGE RILEY: Thank you. And at this time it is
22 my understanding that there is a sole contested

1 issue in this matter, Mr. Feeley?

2 MR. FEELEY: Yes, I believe so.

3 JUDGE RILEY: Okay. Did you want to call your
4 witness right away?

5 MR. FEELEY: The company can go first, if they
6 want to put their witnesses on.

7 JUDGE RILEY: Company, do you have any objection
8 to that?

9 MR. RAGSDALE: No.

10 JUDGE RILEY: Okay. Mr. Ragsdale, why don't you
11 call your first witness, then?

12 MR. RAGSDALE: The first witness we'll call is
13 Martin Seitz. Mr. Seitz has previously filed
14 direct, rebuttal and surrebuttal testimony.

15 JUDGE RILEY: Right, I understand that.

16 (Witness sworn.)

17 JUDGE RILEY: You're going to have to speak up.
18 Your voice is coming in kind of faint.

19 Go ahead.

20 THE WITNESS: I responded yes.

21 JUDGE RILEY: Thank you.

22 Please proceed, Mr. Ragsdale.

1 MARTIN SEITZ,
2 called as a witness herein, and after having been
3 first duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY

7 MR. RAGSDALE:

8 Q Could you state your name and address,
9 please.

10 A My name is Martin Seitz, S-e-i-t-z, and my
11 address is 4902 North Biltmore Lane, Madison,
12 Wisconsin 53707.

13 Q And did you previously cause to be filed in
14 this proceeding direct testimony?

15 A Yes.

16 Q And do you have any changes or corrections
17 to make to that testimony?

18 A No.

19 Q Did you also cause to be filed rebuttal
20 testimony?

21 A Yes.

22 Q And are there any changes, Mr. Seitz, to

1 your rebuttal testimony?

2 A No.

3 Q And did you also cause to be filed

4 surrebuttal testimony?

5 A Yes, I did.

6 Q And are there any changes or corrections to

7 be made to your surrebuttal testimony?

8 A No.

9 Q And, I believe, in regards to your direct,

10 rebuttal and surrebuttal testimony you filed

11 exhibits?

12 A Yes.

13 Q Are there any changes or corrections to be

14 made to your exhibits?

15 A No.

16 MR. RAGSDALE: With that we would offer

17 Mr. Seitz for any examination that the Bench or the

18 parties may have.

19 JUDGE RILEY: Mr. Feeley, do you have any

20 cross-examination?

21 MR. FEELEY: Staff has no cross for Mr. Seitz.

22 JUDGE RILEY: All right. Thank you.

1 Mr. Ragsdale, let me ask you, the
2 testimony that you have recited that was filed with
3 Mr. Seitz, these are marked as exhibits?

4 MR. RAGSDALE: I believe that is correct. I've
5 got to apologize a little bit because I'm a late
6 parties to these proceedings.

7 And Marty, if you've got that in front
8 of you, can you identify the exhibit numbers on your
9 testimony for the Examiner?

10 THE WITNESS: Yes. We had identified my
11 testimony and the exhibits starting with Exhibit 1.0
12 for testimony that was filed on April 29th, 2002.

13 JUDGE RILEY: Okay. Let me take it from here.

14 EXAMINATION

15 BY

16 JUDGE RILEY:

17 Q And attached to that at that time were
18 Exhibits 1.1 and 1.4?

19 A Yes, 1.1 through 1.4, that's correct.

20 Q And it's my understanding that on your
21 supplemental direct testimony, which is Exhibit 1.5,
22 you attached Exhibits 1.6 through 1.9?

1 A That is also correct.

2 Q And those superceded Exhibits 1.1 and 1.4,
3 is that correct?

4 A I believe that's correct.

5 Q After which you also filed rebuttal
6 testimony marked 1.10.

7 A Yes.

8 Q Attached to which were Exhibits 1.11
9 through 1.16.

10 A That is also correct.

11 Q And all of these exhibits and schedules,
12 were they prepared by you or at your direction?

13 A Yes, they were.

14 Q And again, let me reconfirm that it's your
15 testimony today that there are no changes to any of
16 the testimony or the exhibits that you have filed?

17 A That is correct.

18 JUDGE RILEY: All right. Thank you.

19 MR. RAGSDALE: Mr. Examiner, I would apologize
20 to you, the file that was provided to me from the
21 person who departed our office is not complete and
22 it did not have all the copies of either Mr. Greer

1 or Mr. Seitz' testimony. And I thank you for your
2 assistance in helping clarify the record.

3 JUDGE RILEY: Okay. That's not a problem.

4 Is it my understanding then that
5 you're moving for the admission of all or any of
6 these exhibits into evidence?

7 MR. RAGSDALE: Yes, we are moving the admission
8 of these exhibits into evidence.

9 JUDGE RILEY: All right, and without reciting
10 them, I think we've got a complete record as to what
11 they are. They do exclude, however, Exhibits 1.1
12 through 1.4, which have been superceded by
13 Exhibits 1.6 through 1.9.

14 Staff, did you have any objection to
15 the admission of those exhibits?

16 MR. FEELEY: Staff has no objection.

17 JUDGE RILEY: All right. Then, the exhibits, as
18 recited, are admitted into evidence.

19 (Whereupon, Company's Exhibits
20 1.6 through 1.16 were
21 received in evidence.)

22 JUDGE RILEY: Mr. Ragsdale, did you have

1 anything further for Mr. Seitz?

2 MR. RAGSDALE: We have nothing further for
3 Mr. Seitz, thank you.

4 JUDGE RILEY: Hold on a second.

5 Q Mr. Seitz, I noticed that in your rebuttal
6 testimony to Ms. Ebrey's -- I think it was to
7 Ms. Ebrey's rebuttal, you stated that you were
8 contesting -- let me get it here.

9 You were contesting four adjustments
10 to the amounts of insurance, litigation expenses
11 incurred by Interstate.

12 A I believe that's correct.

13 Q And one of those was a 758.15 adjustment
14 for 1998. It was my understanding from Ms. Ebrey's,
15 I believe it was her rebuttal testimony, that she
16 had withdrawn her adjustment and that that amount
17 was no longer in issue.

18 A I believe that is also correct. I think
19 when you went through the list of testimony and the
20 exhibits I had filed, I had surrebuttal that, I
21 believe, no longer contested that adjustment. And
22 that surrebuttal was 1.17 through 1.18.

1 Q Okay. This is where I'm confused, now,
2 Exhibits 1.17 through 1.18 are attached to your, not
3 surrebuttal, but your supplemental direct testimony.
4 I can't find where it says where you no longer are
5 contesting the \$758. I don't want to spend a lot of
6 time on this because it's not --

7 MR. FEELEY: I think in Ms. Ebrey's rebuttal at
8 Page 5, Lines 88 to 93, she talks about the \$758.

9 JUDGE RILEY: Right, exactly. That's where I
10 had seen it.

11 MR. FEELEY: It's Ms. Ebrey who is withdrawing
12 that adjustment.

13 JUDGE RILEY: Okay.

14 MR. FEELEY: As she explains in her testimony,
15 that adjustment isn't needed anymore.

16 JUDGE RILEY: Right. And my only concern was
17 that it appeared that Mr. Seitz in his rebuttal was
18 still treating it as an issue. And I thought that
19 his rebuttal had been filed after Ms. Ebrey's
20 rebuttal, maybe I'm wrong there.

21 Okay. That clears it up. Mr. Seitz'
22 rebuttal in which he mentions the 758 was filed

1 September 19th, 2002, and that predates Ms. Ebrey's
2 rebuttal by about a month. Okay. That clears it up
3 for me.

4 Q The only other thing in your rebuttal,
5 Mr. Seitz, is that -- toward the end you state that
6 the over collection position of IPL -- this is on
7 Page 5, right near the bottom. The over collection
8 position of IPL is adjusted to be a net amount of
9 \$256,408.

10 Now, is this down from the previous
11 over -- is this an adjustment to the previous over
12 collection amount of 261,190?

13 A Just a second here.

14 I don't remember whether that was an
15 adjustment down or up, but with the rebuttal
16 testimony, the total net over collection or over
17 recovery is that 256,408, with the rebuttal
18 testimony. But I think that has been further
19 revised with the surrebuttal testimony.

20 Q Mr. Seitz, you keep saying that you have a
21 surrebuttal testimony. I don't have that. I
22 have -- Mr. Greer has surrebuttal.

1 A I had filed October 30th, 2002, surrebuttal
2 testimony.

3 Q No, I've got an October 30 surrebuttal for
4 Mr. Greer, and it has some data requests responses
5 attached.

6 A I'm pretty sure I went out to the Illinois
7 Commerce Commission's web site and saw this out
8 there yesterday morning.

9 MS. EBREY: This is Theresa Ebrey, and I've got
10 my computer in front of me and Mr. Seitz'
11 surrebuttal testimony is on e-docket.

12 JUDGE RILEY: Okay. He does have surrebuttal.

13 MS. EBREY: Yes, he does, Exhibit 1.17 with the
14 Exhibit 1.18 is attached.

15 JUDGE RILEY: Okay, let me go back.

16 See, this is, again, my confusion,
17 Exhibit 1 -- or, it's 1.17?

18 THE WITNESS: Yes.

19 JUDGE RILEY: All right. Give me just a minute.
20 I'm going to go back and take a look for it.

21 We'll go off the record for just a
22 minute.

1 (Whereupon, a discussion
2 was had off the record.)

3 JUDGE RILEY: Q I have Exhibit 1.17. I saw it
4 on the e-docket. I had read it, but without the
5 hard copy in front of me, it just didn't register.
6 Now, I do have it and I see where, yes, there -- you
7 had recalculated the over recovery portion in this
8 exhibit to be \$267,640.90.

9 A Related to the insurance -- net insurance
10 proceeds, that is right.

11 Q Okay. Then, the net over recovery is the
12 258,924.

13 A Based on the company's calculation, that's
14 correct.

15 Q Okay. Is it my understanding, Mr. Seitz,
16 that this Exhibit 1.17, to which is attached,
17 Schedule, marked as Exhibit 1.18, that this was
18 prepared by you or at your direction?

19 A That is correct.

20 Q And as you review that testimony and the
21 schedules today, are there any changes that you
22 would make to it?

1 A No, there are not.

2 JUDGE RILEY: And is it my understanding,

3 Mr. Ragsdale, that you're moving for the admission

4 of Exhibit -- Company's Exhibit 1.17 and 1.18 into

5 evidence?

6 MR. RAGSDALE: That's correct.

7 JUDGE RILEY: All right. And is there any

8 objection from the Staff?

9 MR. FEELEY: Staff has no objection.

10 JUDGE RILEY: All right. Then, Exhibits 1.17 to

11 which is attached Exhibit 1.18 is admitted into

12 evidence.

13 (Whereupon, Company's

14 Exhibits 1.17 and 1.18 were

15 received in evidence.)

16 JUDGE RILEY: Thank you, Mr. Seitz, I don't have

17 any further questions.

18 And, again, Staff, you have no

19 questions for Mr. Seitz?

20 MR. FEELEY: Staff has no questions.

21 JUDGE RILEY: Mr. Ragsdale, did you have any

22 redirect?

1 MR. RAGSDALE: No.

2 JUDGE RILEY: All right. That concludes our
3 examination of Mr. Seitz.

4 Thank you very much.

5 THE WITNESS: Thank you.

6 (Witness excused.)

7 JUDGE RILEY: And Mr. Ragsdale, was there
8 another witness that you wanted to call?

9 MR. RAGSDALE: We have Mr. Bruce Greer to call
10 to the stand.

11 JUDGE RILEY: Good morning, Mr. Greer.

12 MR. GREER: Good morning.

13 (Witness sworn.)

14 JUDGE RILEY: Please proceed.

15 BRUCE GREER,

16 called as a witness herein, and after having been
17 first duly sworn, was examined and testified as
18 follows:

19 DIRECT EXAMINATION

20 BY

21 MR. RAGSDALE:

22 Q Please state your name and address.

1 A Bruce Greer, 4902 North Biltmore,
2 B-i-l-t-m-o-r-e, Lane, Madison, Wisconsin
3 53718-2148.

4 Q Mr. Greer, have you previously caused to be
5 filed in this proceeding direct testimony?

6 A Yes.

7 Q And could you identify for the record how
8 many pages is composed of your direct testimony?

9 A Six, I believe.

10 Q Are there any changes to make to your
11 direct testimony?

12 A No.

13 Q Did you have any exhibits attached to your
14 direct testimony?

15 A No.

16 Q Was your direct testimony identified as
17 Exhibit 2.0.?

18 A I have one that's 2.1, I'm just making sure
19 that -- the first one, yes, 2.0, correct.

20 Q Did you also cause to be filed, dated
21 September 19th rebuttal testimony?

22 A Yes.

1 Q And does that consist of one page?

2 A Yes.

3 Q And was that identified as Exhibit 2.1?

4 A Yes.

5 Q Are there any changes to make to your

6 rebuttal testimony?

7 A No.

8 Q And did you have attached to your rebuttal

9 testimony a 21-page exhibit, identified as Exhibit

10 No. 2.2?

11 A Yes.

12 Q Are there any changes to make to your

13 Exhibit 2.2?

14 A No.

15 Q And did you cause to be filed surrebuttal

16 testimony in this proceeding?

17 A Yes.

18 Q And was that testimony identified as

19 Exhibit 2.3?

20 A Yes.

21 Q And did it consist of one page?

22 A Yes.

1 Q Any changes or corrections to make to
2 Exhibit 2.3?

3 A No.

4 Q And was there attached to your surrebuttal
5 testimony and exhibit?

6 A Yes.

7 Q And was that marked as Exhibit 2.4?

8 A Yes.

9 Q And did that consist of six pages?

10 A Yes.

11 Q Any changes to Exhibit 2.4?

12 A No.

13 Q And were Exhibits 2.0 through 2.4 prepared
14 under your direction and supervision?

15 A Yes.

16 MR. RAGSDALE: With that, we would offer into
17 the records Exhibits 2.0 through 2.4, and would
18 tender Mr. Greer for any examination.

19 JUDGE RILEY: Subject to cross, are there any
20 objections to the admission of the exhibits?

21 MR. FEELEY: No objection.

22 JUDGE RILEY: And do you have any

1 cross-examination for Mr. Greer?

2 MR. FEELEY: Staff has no cross.

3 JUDGE RILEY: All right. Then, Mr. Greer's

4 Exhibits 2.0 through 2.4, without change, are

5 admitted into evidence.

6 (Whereupon, Company's Exhibits

7 2.0 through 2.4 were

8 received in evidence.)

9 JUDGE RILEY: I have no questions, Mr. Greer.

10 Thank you very much.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 JUDGE RILEY: And Mr. Ragsdale, were there any

14 other witnesses that you wanted to call in this

15 matter?

16 MR. RAGSDALE: No, that concludes all of our

17 witnesses.

18 JUDGE RILEY: And I trust, then, that you are

19 resting your case?

20 MR. RAGSDALE: Yes, that's correct.

21 JUDGE RILEY: All right. Thank you.

22 Mr. Feeley, did you need a minute or

1 did you want to --

2 MR. FEELEY: I'm all set.

3 JUDGE RILEY: Okay. And we are calling --

4 MR. FEELEY: Staff has one witness, Ms. Theresa

5 Ebrey.

6 JUDGE RILEY: Ms. Ebrey, can you still hear us?

7 MS. EBREY: Yes.

8 (Witness sworn.)

9 JUDGE RILEY: Please proceed.

10 THERESA EBREY,

11 called as a witness herein, and after having been

12 first duly sworn, was examined and testified as

13 follows:

14 DIRECT EXAMINATION

15 BY

16 MR. FEELEY:

17 Q Could you please state your name for the

18 record.

19 A My name is Theresa Ebrey, the last name is

20 spelled, E-b-r-e-y.

21 Q And by whom are you employed?

22 A Employed by the Illinois Commerce

1 Commission.

2 Q Ms. Ebrey, do you have in front of you two
3 documents, I'll go through them one at a time, the
4 first being a document that's been marked for
5 identification as ICC Staff Exhibit 1.00, Direct
6 Testimony of Theresa Ebrey, which consists of 19
7 pages of narrative text and attached Schedules 1.01
8 through 1.05?

9 A Yes, I do.

10 Q And it's entitled, Direct Testimony of
11 Theresa Ebrey?

12 A That's correct.

13 Q Was ICC Staff Exhibit 1.00 prepared by you
14 or under your direction, supervision and control?

15 A It was.

16 Q Do you have in front of you another
17 document which has been marked for identification as
18 ICC Staff Exhibit 2.00, Rebuttal Testimony of
19 Theresa Ebrey and it consists of six pages of
20 narrative text and attached Schedules 2.01 through
21 2.02?

22 A That's correct.

1 Q Was ICC Staff Exhibit 2.00 and it's
2 attached Schedules prepared by you or under your
3 direction, supervision and control?

4 A Yes, it was.

5 Q Do you have any additions, deletions or
6 modifications to make to either ICC Staff
7 Exhibit 1.00 or ICC Staff Exhibit 2.00?

8 A No, I do not.

9 Q If I were to ask you today the same series
10 of questions set forth in those documents, would
11 your answers be the same as set forth in them?

12 A Yes, they would.

13 MR. FEELEY: At this time, Staff would move to
14 admit into evidence ICC Staff Exhibit 1.00 and its
15 attached Schedules and ICC Staff Exhibit 2.00 and
16 its attached Schedules.

17 JUDGE RILEY: And Mr. Ragsdale, is there any
18 objection from the company with regard to the motion
19 to admit?

20 MR. RAGSDALE: No objection from the company.

21 JUDGE RILEY: All right, Staff Exhibit 1.00, to
22 which is attached Exhibits 1.01 through 1.05 and

1 Staff Exhibit 2.00, to which is attached Exhibits
2 2.01 and 2.02 are all admitted into evidence without
3 objection.

4 (Whereupon, Staff Exhibits
5 1.00 through 1.05 and 2.00
6 through 2.02 were received
7 in evidence.)

8 JUDGE RILEY: And does that complete your
9 examination of Ms. Ebrey?

10 MR. FEELEY: I guess, I want to make one point
11 of clarification, the attachments to our exhibits
12 are referred to as schedules.

13 JUDGE RILEY: I'm sorry, schedules. They are
14 admitted with the schedules attached.

15 Mr. Ragsdale, I'm going to make that
16 distinction in your case, as well.

17 MR. RAGSDALE: Okay.

18 JUDGE RILEY: The schedules, which are attached
19 to the exhibits themselves will be treated as
20 schedules and they are admitted with the exhibit.

21 MR. RAGSDALE: Thank you.

22 JUDGE RILEY: Did you have any cross-examination

1 for Ms. Ebrey?

2 MR. RAGSDALE: We have no questions. Thank you.

3 EXAMINATION

4 BY

5 JUDGE RILEY:

6 Q Just for my own clarification, Ms. Ebrey,
7 it's my understanding that there is a sum of money
8 that is still being contested in this matter, is
9 that correct?

10 A That's correct.

11 Q And does that pertain to travel expenses?

12 A Yes.

13 Q Where would I find -- looking at your --
14 strike that.

15 Referring to your rebuttal testimony
16 on Page 4, correct me if I'm wrong, but it says the
17 internal company charges, this is on Line 70, for
18 1996 and 1997, are the figures that follow on
19 Line 71, are these the amounts that are in dispute?

20 A Those are the amounts for '96 and '97.
21 There's an additional amount shown on Line 69,
22 42,616.34.

1 Q That's the amount in '95.

2 A '95. Those amounts then are allocated to

3 the Illinois jurisdictional --

4 Q We're sorry, slow down. These were

5 allocated to the Illinois jurisdictional --

6 A MGP side.

7 Q MGP side.

8 A Manufactured gas plant.

9 Q Okay.

10 A The numbers that appear on Page 4 are for

11 total company.

12 Q And where would we find the Illinois

13 portion of those numbers, or am I misunderstanding

14 you?

15 A On my -- well --

16 Q What I'm getting at is, where do I find the

17 sum of money that is in dispute, that Staff is

18 disputing in this matter?

19 A At this point you would take the difference

20 between my over recovery on my Schedule 2.01,

21 161,190 and the company's calculated over recovery,

22 which is 258,924. The total difference right now is

1 \$2,266.

2 Q And that is the total amount in dispute,
3 then?

4 A That's correct.

5 Q And that 2,266 represents -- again, is this
6 travel expenses?

7 A Travel expenses incurred by company
8 employees and an interest affect on that because
9 these travel expenses occurred some years back.
10 This is more complex because the insurance proceeds
11 have been received over a number of years and travel
12 expenses incurred -- or other expenses incurred over
13 a period of time and an interest amount needed to be
14 calculated on that because the company was holding
15 the money for that period.

16 Q All right.

17 A And the company has accepted that, the
18 insurance adjustments.

19 Q So, this \$2,266 is all that is left.

20 A That's the amount in dispute.

21 JUDGE RILEY: Okay. And I take it that the
22 parties over the course of this proceeding -- when I

1 say "this proceeding" I mean, since the time that
2 this docket was filed, I suppose if the 2,266 has
3 not been resolved at this point it's not going to
4 be. So, it's a question of a proposed order. It
5 may turn out to be one of the smaller sums the
6 Commission has dealt with over the years, but if
7 that's the way it is, that's the way it is.

8 Q In any of the testimony or in any of the
9 schedules, does it -- and again, I've read these
10 schedules but I'm not proficient in them, I'm not an
11 accountant, is the 2,266 specifically identified?

12 A No, it is not.

13 Q That's why I'm glad I asked the question
14 because it's not, you know --

15 A Probably you can compare my Schedule 2.02
16 with the company's Exhibit 1.18.

17 Q Your 2.2 to company's 1.18.

18 MR. FEELEY: I'm sorry, I think, Schedule 2.02,
19 right?

20 THE WITNESS: Schedule 2.02. Page 1.

21 MR. FEELEY: What line number?

22 THE WITNESS: Line No. 10 -- well, it's also a

1 different -- you would compare my Schedule 2.02 with
2 Mr. Seitz' Exhibit 1.18, Page 2 of 3.

3 JUDGE RILEY: Q I've got a lousy copy of that,
4 but, what line would that be?

5 A Line 10, 267,640 is what he calculates is
6 the Illinois jurisdictional net insurance proceeds
7 including interest.

8 My number for that amount is
9 269,906.58, also Line 10 on my Schedule 2.02.

10 JUDGE RILEY: Okay. Well, then, here's the
11 situation, inasmuch as there is a contested issue,
12 Counsel, I'm going to ask for briefs, which should
13 be able to delineate it a little bit better than I'm
14 reading here. I know it's in this pile of
15 schedules, but it will take me a while to cull it
16 out.

17 What can we do for a briefing
18 schedule?

19 I'm sorry. Ms. Ebrey, that's all the
20 questions that I have.

21 Again, Mr. Ragsdale, did you have
22 anything further?

1 MR. RAGSDALE: No. Thank you.

2 JUDGE RILEY: Did you have any redirect,
3 Mr. Feeley?

4 MR. FEELEY: No.

5 JUDGE RILEY: Then, Ms. Ebrey, thank you very
6 much. You're excused.

7 (Witness excused.)

8 MR. FEELEY: Kent?

9 MR. RAGSDALE: Yes.

10 MR. FEELEY: I talked to Theresa beforehand, how
11 would the following dates be for briefing, I don't
12 know what your schedule is like.

13 MR. RAGSDALE: My feeling, John, is I would like
14 to have our respective experts prepare the brief in
15 this case, but. . .

16 MR. FEELEY: Okay.

17 MR. RAGSDALE: That's my little joke.

18 MR. FEELEY: I guess, we're thinking, maybe,
19 like, November 26th for the initial brief.

20 MR. RAGSDALE: The problem I have is I've got a
21 significant filing I've got to make in front of the
22 Iowa Utilities Board on the 26th. I have a rate

1 case that starts up on December 3rd, in which the
2 amount of controversy right now between us and the
3 other parties is \$100 million. I really take to
4 heart --

5 JUDGE RILEY: Well, this is more --

6 MR. RAGSDALE: -- Mr. Riley's comments in why I
7 made the suggestion I did a little while ago as to
8 who really ought to be preparing the brief over this
9 \$2,000.

10 MR. FEELEY: How about -- you want to do it
11 after the 3rd of December, then, right, an initial
12 brief?

13 MR. RAGSDALE: Yeah.

14 MR. FEELEY: How about -- and this is subject,
15 Theresa, how about, I guess, December 10th and
16 maybe --

17 MR. RAGSDALE: I'm in hearings all week. And we
18 have testimony that we have to prepare for filing on
19 the 25th. I have another docket I've got to make
20 filings.

21 MR. FEELEY: What day do you want, then?

22 MR. RAGSDALE: You know, how about the 19th of

1 December?

2 MR. FEELEY: For the initial brief?

3 MR. RAGSDALE: Yeah.

4 MR. FEELEY: Theresa, is that all right with
5 you?

6 MS. EBREY: That's fine.

7 MR. RAGSDALE: And I really apologize for that.

8 MR. FEELEY: Oh, no, that's fine.

9 MR. RAGSDALE: And maybe that will give us an
10 opportunity to sort of revisit this whole issue,
11 again, too.

12 MR. FEELEY: Okay.

13 JUDGE RILEY: Well, then, a reply brief.
14 Obviously, we're running into Christmas week there.

15 MR. FEELEY: Can we do, like, the middle of
16 January or something, is that all right with you,
17 Kent?

18 MR. RAGSDALE: Yeah.

19 MR. FEELEY: And, Theresa, what day would be
20 good for you?

21 MR. RAGSDALE: Because you're making her do it,
22 right, John?

1 MS. EBREY: How about January 14th?

2 MR. FEELEY: Is that far enough spread, Kent,

3 for you?

4 MR. RAGSDALE: Yeah, that will be fine. Let's

5 do that.

6 JUDGE RILEY: What is the possibility of the

7 parties revisiting this issue in the meantime?

8 MR. RAGSDALE: I know from my perspective, my

9 view of the world, and this is off the record, I

10 hope.

11 JUDGE RILEY: Let's go off the record, then.

12 (Whereupon, a discussion

13 was had off the record.)

14 JUDGE RILEY: Back on the record.

15 Okay. We have agreed, then, that the

16 parties initial briefs will be due by the close of

17 business on December 19th and that reply briefs will

18 be due January 14th, 2003, and that's again, by the

19 close of business.

20 Is there anything further?

21 MR. RAGSDALE: Nothing from us. Thank you.

22 MR. FEELEY: No, nothing from Staff.

1 JUDGE RILEY: All right. I thank you all very
2 much.

3 I will direct the Court Reporter to
4 mark this matter heard and taken and I await the
5 submission of the briefs next month.

6 MR. RAGSDALE: Thank you.

7 JUDGE RILEY: Thank you, Mr. Ragsdale,
8 gentlemen. Thank you, Theresa.

9 HEARD AND TAKEN

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